

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, TO AMEND CHAPTER 10, ARTICLE 1, SECTION 10-117, OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA AS THE SAME RELATES TO THE HOURS OF SALE OF ALCOHOLIC BEVERAGES WITHIN THE VILLAGE'S CORPORATE LIMITS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, the laws of the State of Nebraska have recently been amended, allowing municipalities to set hours of sale of alcoholic beverages up to 2:00 a.m. and it is necessary to amend said hours for the sale shall only apply to those holding an appropriate and lawful liquor license of the State of Nebraska.

WHEREAS, the Village Board of Trustees is to set hours for the sale of any alcoholic beverages within the Municipality except during the hours provided herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. Chapter 10, Article 1, Section 10-117 of the Village of Eagle, is amended as indicated:

SECTION 10-117: HOURS OF SALE

1. It shall be unlawful for any person or persons or their agents to sell any alcoholic beverages, for consumption off the premises, within the Village except during the hours provided herein:

Alcoholic Liquors (except beer and wine)

Monday through Saturday

Off Sale

6:00 A.M. to 1:00 A.M.
of the following day.

On Sale

6:00 A.M. to 2:00 A.M.
of the following day.

Sundays
Off Sale
On Sale

12:00 Noon to 12:00 Midnight
12:00 Noon to 2:00 A.M.

Beer and Wine

Monday through Saturday
Off Sale

6:00 A.M. to 1:00 A.M.
of the following - day.
6:00 A.M. to 2:00 A.M.
of the following day.

On Sale

Sundays
Off Sale
On Sale

6:00 A.M. to 12:00 Midnight
6:00 A.M. to 12:00 Midnight

Said hours of sale shall only apply to those holding an appropriate and lawful liquor license of the State of Nebraska.

The Governing Body may approve a one hour extension beyond 12:00 midnight on Sundays, by resolution, in the case of a Special Event.

2. Such limitations shall not apply after 12:00 Noon on Sunday to a licensee which is a nonprofit corporation holding a Class C or ~~A~~ license issued pursuant to Neb. Rev. Stat. §53-124(5).
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3. No person shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed in this section for stopping the sale of alcoholic beverages on the premises.

4. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment, "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

5. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

Section 2. All other ordinances in conflict herewith are hereby repealed.

Section 3. That should any section, paragraph, sentence or word of this Ordinance be declared for any reason invalid and/or unconstitutional, it is the intent of the Board of Trustees that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 4. This ordinance is adopted and published in pamphlet form, and shall take

effect and be in full force from and after 15 days after its passage, approval, and publication or posting as required by law.

Section 5. That the provisions of this Ordinance shall become and be made a part of the Eagle Municipal Code and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this 17th day of Sept 2010.

VILLAGE OF EAGLE, NEBRASKA

By:

Michael Wenzel
Michael Wenzel, Its Chair

ATTEST

Donna Stevens
Donna Stevens, Its Clerk

(SEAL)

Publication Date: September 9th, 2010.